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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,677	08/15/2001	Martin Khang Nguyen	Nguyen.M-01	3351
8791	7590	03/27/2006	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			JANVIER, JEAN D	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/931,677

**Applicant(s)**

NGUYEN, MARTIN KHANG

**Examiner**

Jean Janvier

**Art Unit**

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

### **Response To Applicant's Amendments**

The Examiner approves the new title of the invention.

### **Response To Applicant's Arguments**

The 101 Rejection for lacking technology is no longer required or applicable in view of the Lundgren's Decision.

Further, and in response to the Applicant's remarks, the Applicant is being invited or encouraged, subsequent to contacting the Examiner, to amend independent claims 1-3 as follows to better define or clarify claim language, thereby helping the Examiner in conducting a proper search, while advancing prosecution. The newly added claims 4-11 can be easily rejected using the Fajkowski's reference.

Here is a proposed amendment to claim 1 with the understanding that the specification does support the new claim language.

I. A method comprising ***the steps*** of:

establishing a **management entity**;

establishing a **relationship** between the management entity and a **plurality of** consumers;

establishing a relationship between the **management entity** and a **plurality of** manufacturers of consumer products;

establishing a relationship between the **management entity** and a **plurality of** retailers;

Art Unit: 3622

producing a plurality of a universal coupon wallet cards **having a memory for storing data thereon;**

issuing **at least one of the wallet cards to at least one of the plurality of consumers;**

**generating and advertising a plurality of coupons to the plurality of consumers, wherein some of the generated coupons bearing a graphical mark or indicia, which indicates that these particular coupons are redeemable only using the wallet cards subsequent to being loaded in the memory of the wallet cards;**

receiving by the at least one consumer of the plurality of consumers one or more of the advertised coupons, wherein at least one of the received coupons having imprinted thereon the graphical mark or indicia;

loading the at least one coupon with the graphical mark, offering a purchase discount for a selected product at at least one retailer of the plurality of retailers, into the memory of the at least one wallet card of the at least one consumer;

presenting the at least one wallet card, having encoded thereon the at least one coupon having the graphical mark imprinted thereon, by the at least one consumer at the at least one retailer for redemption;

reading the wallet card by the retailer's POS system; and

providing the associated purchase discount to the at least one consumer upon purchasing the selected product;

Art Unit: 3622

**notifying the management entity of the purchase discount provided to the at least one consumer during the redemption;**

**paying by at least one manufacturer of the plurality of manufacturers to the management entity a management service fee for facilitating the operations and a manufacturer's rebate, on behalf of the at least one retailer, related to the provided purchase discount tendered by the at least retailer; and**

**receiving by the at least one retailer the manufacturer's rebate from the management entity.**

**No art rejection will be presented here before the Applicant replies to the Examiner's proposed claim amendment.**

Finally, the specification suffers from a complete disclosure. Throughout the specification, the Applicant bypasses important detailed disclosure by assuming that these details are well known in the art. Although these details may be well documented in the art and a 112(1) enablement problem cannot properly be raised, however, this lack of disclosure can trigger a 112(1) for insufficient support if need. The fact that certain materials are well known in the art does not necessarily mean that they should not be presented, for clarity, in the specification. For instance, throughout the specification, it is not clear whether the customer presents the coupon wallet at a retailer's POS to redeem at least one coupon having this noticeable mark imprinted thereon or whether the coupon having this noticeable is presented for redemption or the coupon data are electronically transmitted to the retailer's POS database where the coupon wallet is used as a piece of ID to identify the customer during a transaction or redemption process. In the case

Art Unit: 3622

the coupon data are scanned or encoded into the wallet or they are electronically transmitted to the retailer's database, the means to do so are not provided therein. Applicant here cannot simply assume that these means are well known and expect the Examiner to decide which one of these means is used to implement the method of the invention. At this point, at least a card reader/writer should have been briefly disclosed in the specification or drawings. Having said that, the format or the medium used to imprint or encode the coupon data and presented at the retailer's POS should clearly be defined in the claim and supported in the specification. That aspect plays an important role in the Examiner's decision on patentability. That is why the Applicant is invited to contact the Examiner to discuss these important matters as soon as possible.

### Conclusion

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (571) 272-6719. The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (571) 272- 6724.

Non-Official- 571-273-6719.

Official Draft : 571-273-8300

03/13/06

JDJ

Jean D. Janvier

Patent Examiner

JEAN D. JANVIER  
PRIMARY EXAMINER

